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10/591,712

09/06/2006

Jun Cheng

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05/06/2010

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EXAMINER

LEE, ANDREW CHUNG CHEUNG

ART UNIT

PAPER NUMBER

2476

MAIL DATE

DELIVERY MODE

05/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/591,712 | Applicant(s) CHENG ET AL. | |
| | Examiner Andrew C. Lee | Art Unit 2476 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-13, 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 1 – 10, 14 were cancelled.
2. Claim 15 is newly added.
3. Claim 11 – 13, 15 are pending.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
5. Claims 11, 12, 13, 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Toskala et al. (US 6917602 B2).

Regarding claim 11, Toskala et al. disclose a transmitting method (“*a system and method*”; *Abstract, col. 2, lines 23 – 29*) comprising: receiving information which is transmitted from a base station apparatus (“*receiving acquisition indicator (AI) from node B*”, *col. 2, lines 35 – 41; Fig. 4, element 350, receiving Node B station interpreted as a base station; col. 6, lines 51 – 67*) and which relates to a number of transmission signals (“*the plurality of time-spaced access preambles*”, *col. 2, lines 35 – 41*); and transmitting transmission signals, from a terminal apparatus (*element 300, user equipment, Fig. 4*), using a resource selected at random from resource candidates (*col. 5, lines 42 – 57*),

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wherein a number of the access signals matches the number of transmission signals to which the information relates (*element 164, Fig. 2, col. 5, lines 31 – 41; Fig. 3, col. 6, lines 11 – 20*), and the access signals are comprised of an access signal and at least one duplication of said access signal (*Fig. 2, col. 5, lines 19 – 35; Fig. 3, col. 6, lines 11 – 20*).

Regarding claim 12, Toskala et al. disclose wherein the resource candidates are a timing (*“waiting for a time-out” Fig. 1, col. 2, lines 3 – 8, Fig. 3, Fig. 5*), transmission frequency, or spreading code (*“orthogonal code”; col. 2, lines 61 – 63*).

Regarding claim 13, Toskala et al. disclose a transmitting apparatus (*Fig. 4, element 300, user equipment, col. 6, lines 51 – 67*) comprising: a receiving section (*element 304, receiver, Fig. 4*) that receives information which is transmitted from a base station apparatus (*“receiving acquisition indicator (AI) from node B”, col. 2, lines 35 – 41; Fig. 4, element 304, receiver interpreted as a receiving section, element 350, receiving Node B station interpreted as a base station; col. 6, lines 51 – 67*) and which relates to a number of transmission signals (*“the plurality of time-spaced access preambles”, col. 2, lines 35 – 41*); and a transmitting section (*element 302 transmitter of user equipment 300, Fig. 4*) that transmits access signals using a resource selected at random from resource candidates (*col. 5, lines 42 – 57*) wherein a number of the access signals matches the number of transmission signals to which the information related (*element 164, Fig. 2, col. 5, lines 31 – 41; Fig. 3, col. 6, lines 11 – 20*), and the access signals are comprised of an access signal and at least one

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duplication of said access signal (*Fig. 2, col. 5, lines 19 – 35; Fig. 3, col. 6, lines 11 – 20*).

Regarding claim 15, Toskala et al. disclose wherein the access signals are transmitted using the resource in consecutive time slots (*a series of time-spaced access preambles, uplink time slots, Fig. 3, col. 5, lines 60 – 63*).

Response to Arguments

6. Applicant's arguments filed on 02/26/2010 with respect to claims 11, 12, 13, 15 have been fully considered but they are not persuasive.

Regarding claims 11 and 13, Applicants argue that “As may be determined from the description above, Toskala does not identically disclose the Applicants’ claimed subject matter of a terminal apparatus that (1) receives information relating to a number, which is at least two, of transmission signals and (2) transmits the same number of access signals, each of which is identical, as the number of transmission signals to which the information relates.

Accordingly, the Applicants submit that Toskala does not anticipate the subject matter defined by claim 11. Independent claim 13 now similarly recites the above-mentioned subject matter distinguishing method claim 11 from Toskala, but with respect to an apparatus. Therefore, allowance of claims 11 and 13 and all claims dependent therefrom is considered to be warranted.”

The applicants’ remark addressed above is a bit different from the claim subject matters in the claims 11 and 13, respectfully. Examiner does not understand what mean by “not identically disclose” provided by the applicants? Does the clause mean “word by word” mapping of the claim subject matters, or it means the functionality mapping of the claim subject matter.

In response to applicants’ argument as stated above, examiner respectfully disagrees.

Applicants are reminded that, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed.

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Cir. 1993). It is reminded that one with ordinary skill in the art is to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997).

However, Examiner contends the reference Toskala et al. teach the limitations of receiving information which is transmitted from a base station apparatus and which relates to a number of transmission signals; and transmitting access signals, from a terminal apparatus, using a resource selected at random from resource candidates, wherein a number of the access signals matches the number of transmission signals to which the information relates, and the access signals are comprised of an access signal and at least one duplication of said access signal as disclosed in claim 11.

Examiner interpreted "receiving information" as "receiving acquisition indicator (AI) and interpreted "a base station apparatus" as node B, Fig. 4, element 350, see Toskala et al. col. 6, lines 51 – 67 and interpreted "a number of transmission signals" as "the plurality of time-spaced access preambles", Toskala et al. col. 2, lines 35 – 41); and interpreted a terminal apparatus as element 300, user equipment, Fig. 4, and further interpreted "a resource selected at random from resource candidates" as RACH message in response to CDI, see col. 5, lines 42 – 57, Fig. 2, interpreted "wherein a number of the access signals matches the number of transmission signals to which the information relates" as element 164, Fig. 2, col. 5, lines 31 – 41; Fig. 3, col. 6, lines 11 – 20, and the interpreted "the access signals are comprised of an access signal and at least one duplication of said access signal" as is either added to the end of the RACH message.....see Fig. 2, col. 5, lines 19 – 35; Fig. 3, col. 6, lines 11 – 20.

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Regarding claim 13, Claim 13 has the same rationale as addressed in claim 11.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a) Takashima (5065398).
- b) Zhu et al. (5768527).
- c) Kohno (US 7315898 B2).

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is

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(571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/
Examiner, Art Unit 2476 <3Q10::5_03_10>

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art
Unit 2476